Message

**From:** OCSPPNews [OCSPPNews@epa.gov]
**Sent:** 3/9/2021 10:18:41 PM
**To:** Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
**Subject:** OCSPP News for March 9, 2021

# OCSPP Daily News Round-Up

## General EPA

- E&E News 03/09; What do Michael Regan's big changes in N.C. mean for EPA?

## Toxics

- Bloomberg Law 03/08; EPA Eases Chemical Ban at Last Minute in Win for Industry
- Inside TSCA 03/08; EPA Vows 'No Action' For Violating One PBT's Limits, Eyes Program Fixes
- North Carolina Health News 03/09; Environmentalists say Trump's EPA fell far short in the fight against PFAS

## Pesticides

- Greenwire 03/08; 100+ groups urge ban on pesticide tied to brain damage
- Independent Messenger 03/09; Cotton growers optimistic about working with new administration
- Inside TSCA 03/08; EPA releases data on PFAS contamination in shipping containers
- Progressive Farmer 03/08; States Can't Extend Dicamba Spray Dates
- The Hill 03/08; EPA investigates toxic 'forever chemicals' in pesticides
- The National Law Review 03/08; Washington State to Ban PFAS in Four Types of Food Packaging
- Waste Today 03/09; EPA testing shows mosquito control containers source of PFAS

## COVID/Disinfectants

- The New York Times 02/26; Want to Sanitize a Baseball Stadium? Send in the Drones

- Whole Foods Magazine 03/08; Wonder Spray is Added to EPA's List N Disinfectants

**Blog/OpEd/Other**

- Beyond Pesticides 03/09; EPA Proposes Cancellation of Highly Toxic Wood Preservative Pentachlorophenol ("Penta")

- NRDC 03/09; California Proposes to Transition Away from Toxic Pesticides

++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++

**What do Michael Regan's big changes in N.C. mean for EPA?**
Kevin Bogardus, E&E News
https://www.eenews.net/greenwire/2021/03/09/stories/1063726883

President Biden's nominee to lead EPA defended his agency from budget cuts as he sought to boost the morale of staffers who felt undermined by the previous administration.

Of course, this wasn't at EPA — he doesn't work there yet. This was at the North Carolina Department of Environmental Quality.

Michael Regan, whose nomination to head EPA could be voted on by the full Senate later this week, didn't consider the state agency's budget up to snuff, believing the DEQ, which he has led since 2017, would struggle under proposed funding from the Republican-controlled General Assembly.

Only five of the 37 positions requested by the DEQ to handle emerging contaminants like per- and polyfluoroalkyl substances (PFAS) plaguing North Carolina were funded. Just $11 million was provided for specific water infrastructure projects, not even close to the billions required. And delays for animal operations permitting were included in the proposal, challenging the department's authority.

Those objections were laid out in a June 2019 memo from the DEQ. Regan said the budget didn't allow the agency to keep pace with the state's economy or its "critical water quality issues."

"The lack of funding negatively impacts the communities dealing with PFAS contamination and aging water infrastructure. It asks them to go without necessary resources," Regan said.

Two days later, North Carolina Gov. Roy Cooper (D) vetoed the budget. His office cited several problems with the proposal, including that it provided $5 million less for fighting emerging pollutants like GenX, a type of PFAS.

Regan, as DEQ secretary, has been called a bridge builder and listener. But his rejection of the state Legislature's budget is one example of how he reoriented the agency back toward protecting the environment after it suffered years of slashed funding and reorganizations.

"The staff was demoralized both by past leadership and by budget cuts," Bill Holman, North Carolina state director of the Conservation Fund, told E&E News. "He worked hard to restore the morale of the agency but really restored the standing of the department with the public."

It's a project Regan, if confirmed as administrator, will have to repeat at EPA. Hundreds of staff members left the federal agency during the Trump administration, while many of those who remained felt under attack.

'The climate of fear went away'

When Regan became DEQ secretary, the North Carolina agency was a shell of its former self.

The agency was formerly known as the Department of Environment and Natural Resources. When its name changed to the Department of Environmental Quality in 2015, it lost major programs dealing with natural resources to the new Department of Natural and Cultural Resources, resulting in substantial budget cuts.

Even before then, the environmental agency had lost other programs in 2011, like its forestry division, to the state's agriculture department.

And while reorganizations shrank the agency, its core environmental regulatory programs were being slashed.

The Environmental Integrity Project found in a 2019 report that North Carolina was one of the hardest-hit states for environmental budget cuts. Funding for the state's pollution control programs was cut by 34% over 10 years, from fiscal 2008 to fiscal 2018, while 376 positions were lost.

"It had gone through several years of pretty significant budgets cuts and losses of positions," Robin Smith, who served from 1999 to 2012 at DENR, including as assistant secretary for environment, told E&E News. "There were morale problems because the staff didn't feel they were being supported in the work they were required to do."

At his confirmation hearing for EPA administrator, Regan said DEQ had to conduct "a damage assessment" in order to move forward.

"When I inherited the Department of Environmental Quality in 2017, morale was low; decisions had been made that we didn't believe were transparent and didn't bring forth the proper science and [...]
---

**EPA Eases Chemical Ban at Last Minute in Win for Industry**
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/epa-eases-chemical-ban-at-last-minute-in-win-for-industry?usertype=External&bwid=00000177-f8d6-d96d-abf7-fcfe87450001&qid=7071163&cti=FGOV&uc=1320000080&et=NEWSLETTER&emc=neve_nl%3A8&source=newsletter&item=read-button®ion=digest&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzctZjhkNi1kOTZkLWFiZjctZmNmZTg3NDUwMDAxIiwic2lnIjoiM2g4NkN5N3BGY3M5QzcvTzZsMThLR2dnR2RVPSIsInRpbWUiOiIxNjE1MjkyMTE4IiwidXVpZCI6IitzR1VleDRlcDVsRGV5QzBkdll3bGc9PU9qcUxJWHpKdlpMM21TNm1lNXVXTWc9PSIsInYiOiIxIn0%3D

The Environmental Protection Agency offered industries a temporary reprieve Monday saying it would delay enforcement for 180 days of a prohibition set to kick in at midnight barring most shipments of products made with a flame retardant that will be largely banned starting March 9.

The agency also announced a 60-day public comment period for that and four other regulations it finalized in January to control particularly hazardous chemicals.

Information it seeks includes whether the rules sufficiently reduce exposure to these chemicals, including exposures of at-risk groups; whether additional or different regulatory approaches are needed; and whether the compliance date for the flame retardant rule that's caused the most supply chain concerns should be revised.

The five rules the EPA issued in January restrict chemicals with three characteristics that make them particularly hazardous: they persist in the environment, build up in the food chain, and are toxic. Such chemicals are called PBTs, and Congress required the agency to quickly regulate them when it overhauled the Toxic Substances Control Act—the nation's primary chemicals law—in 2016.

Of the five rules, the one restricting a flame retardant called phenol, isopropylated phosphate (3:1), or PIP (3:1), has raised widespread concern among companies using equipment that contains it. The electronics industry, for example, has said the rule would have caused supply chain chaos because the agency gave companies only 60 days notice that—effective 12:01 a.m. Tuesday, March 9—they'd be barred from shipping products or parts made with the chemical.

Given the potential for significant disruption in supply chains , the EPA made the right choice to reopen the comment period and provide a 180-day no action assurance, said Lynn L. Bergeson, managing partner with Bergeson and Campbell PC. "Reopening the comment period provides all stakeholders with an opportunity to address the breadth of the PIP rule's impact on supply chains of which EPA was not fully aware during in the original rulemaking," she said.

Mike Kirschner, president of Design Chain Associates LLC, a consulting firm working with the electronics and other industries, described EPA's actions as "very reasonable" and a reflection that the agency is learning the impact amended TSCA can have on companies that use equipment made with chemicals.

U.S. electronics manufacturers must now promptly figure out whether PIP 3:1 is in their supply chains, he said. The goal, within roughly the next 30 days, is to understand whether PIP or a rubber softener that also was restricted in the January rules, pentachlorothiophenol (PCTP) is in their equipment, Kirschner said.

Manufacturers then need to determine what the turnaround time would be to replaceor redesign their equipment to eliminate those chemicals, he said. "This will help inform any comment they may want to provide back to the EPA or to their industry association within the 60-day window," Kirschner said

It wasn't immediately clear Monday evening whether and how the EPA's announcement could affect a petition a coalition of six industry trade associations filed March 4 in the U.S. Court of Appeals for the District of Columbia Circuit asking to challenge the PIP rule.

But in an interview prior to the lawsuit, Martha E. Marrapese, a partner in Wiley Rein LLP's Washington office and one of the attorneys representing the coalition, said it's unclear whether the agency conducted all the analyses required by TSCA when it banned PIP and the other persistent chemicals from manufactured goods and replacement parts.

Supply Chain Effects
Several interested parties including the National Association of Manufacturers and an environmental coalition called Safer Chemicals Health Families, couldn't be reached for comment following the EPA's announcement Monday evening.

But, a prohibition against shipping electronic products and parts could have shut down industries that don't use [...]
---

**EPA Vows 'No Action' For Violating One PBT's Limits, Eyes Program Fixes**
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/epa-vows-no-action-violating-one-pbt-s-limits-eyes-program-fixes

Prompted by industry warnings of daunting compliance hurdles, EPA has issued a 180-day "no action assurance" promising enforcement discretion for its newly effective ban on manufacturing or distributing products made with one closely watched persistent, bioaccumulative and toxic (PBT) chemical, just hours after the requirements took effect.

The no action assurance applies to phenol, isopropylated phosphate (3:1), known as (PIP (3:1), but the agency is also opening a 60-day public comment period on possible reforms to the entire suite of all five PBT rules that EPA published on Jan. 6, both to address implementation issues and potentially to make them more protective as environmentalists have urged.

"EPA will use the feedback received during this public comment period to determine the best path forward, which could include amending the current rules to include additional or alternative exposure reduction measures or extending

compliance dates for certain regulated products and articles," the agency's March 8 press release says.

During the initial 180-day period, EPA says, it "will exercise its enforcement discretion regarding the prohibitions on processing and distribution of PIP (3:1) for use in articles, and the articles to which PIP (3:1) has been added. The agency is taking this action to ensure that the supply chain of these important articles is not interrupted while EPA continues to collect the information needed to best inform subsequent regulatory efforts and allow for the issuance of a final agency action to extend the March 8, 2021, compliance date as necessary," according to a March 8 memo from Lawrence Starfield, acting enforcement chief, to Michal Freedhoff, acting head of EPA's toxics office.

Starfield's memo responded to a March 8 request seeking the no action assurance. Freedhoff's memo noted that the action applies to a range of articles, including "electronics, electronic components, electrical equipment and components, home appliances, manufacturing equipment for semiconductors, heavy equipment, offroad vehicles, curtains used in mining applications, military tents, and vehicles that do not qualify as 'motor vehicles' for purposes of this rule."

And in its announcement, EPA also noted that "[s]takeholders recently informed EPA that the prohibition on processing and distribution of PIP (3:1) could impact articles used in a wide variety of electronics, from cell phones, to robotics used to manufacture semiconductors, to equipment used to move COVID-19 vaccines and keep them at the appropriate temperature."

EPA's announcement regarding the first-time Toxic Substances Control Act (TSCA) PBT rules follows recent industry calls to "pause" at least some mandates in those rules, warning that the March 8 deadline is too early for many companies to eliminate PIP (3:1) from their supply chains -- in part because the substance is a common flame retardant and many companies are unaware of its use in their supply chains.

In a March 3 interview with Inside TSCA, Rachel Jones, NAM's vice president for energy and resources policy, said that she and officials from other trade associations were in contact with EPA on options for relief from the PBT rules, which generally ban both use and "distribution in commerce" of the five chemicals and set March 8 as the deadline for implementing the first round of restrictions.

The groups were seeking "timelines that can work with real supply chains in the real world, so the rule can effectively work to transition out the chemicals of concern," she said last week.

Even though EPA first announced that it would regulate PIP (3:1) and the other PBTs in 2016, shortly after Congress approved the reformed TSCA, many companies now subject to the rules were unaware of the rulemaking until this year, because they were unaware they could be subject to TSCA limits at all.

EPA's toxics rules usually exempt finished products and other "articles," but the PBT rules include no such [...]
---

**Environmentalists say Trump's EPA fell far short in the fight against PFAS**
Greg Barnes, North Carolina Health News
https://www.northcarolinahealthnews.org/2021/03/09/environmentalists-say-trumps-epa-fell-far-short-in-the-fight-against-pfas/

On the eve of his last day as president, the U.S. Environmental Protection Agency under Donald Trump sent out a glowing news release highlighting its numerous efforts to protect people from toxic "forever chemicals."

The news release was the last of many from the EPA that touted the agency's successes in the waning months of Trump's presidency.

In it, the EPA trumpeted the suite of actions that will "continue the significant progress" it has made to combat per-and

polyfluoroalkyl substances — or PFAS — found at elevated levels in drinking water in North Carolina and throughout the country.

In a study by the Environmental Working Group published last year, scientists said they "now believe PFAS is likely detectable in all major water supplies in the U.S., almost certainly in all that use surface water." The national nonprofit organization estimates that 200 million Americans may be drinking water containing the potential carcinogens.

In large enough concentrations, PFAS are associated with cancers of the thyroid, liver, testicles and kidneys. They are believed to suppress the immune system, raise cholesterol levels and cause low birth weight. Recent studies have found that PFAS may make people more vulnerable to the coronavirus and less responsive to COVID-19 vaccines.

The compounds are used to make everyday products slippery — everything from nonstick pans, food packaging, rain gear and stain-resistant carpets. They are called "forever chemicals" because they don't break down easily in the environment and accumulate in the human body.

Paved with good intentions
Which brings us back to the EPA and its glowing news release.

In it, then-EPA Administrator Andrew Wheeler outlined the progress the agency made with its PFAS Action Plan, a 72-page document unveiled two years ago that promised to set maximum contaminant levels for two of the oldest and most persistent PFAS — perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) — and to consider regulations on other types of the synthetic compounds.

"I am proud of the work EPA has done over the past two years under the PFAS Action Plan, which has touched every office in the agency and every region," Wheeler said in the release. "Our commitment to our mission to protect public health and the environment from these emerging chemicals of concern has been unwavering and we have delivered results for every key commitment we made under the plan."

According to the news release, the EPA plans to take the next step to regulate PFOA and PFOS and to "fast track evaluation of additional PFAS for future drinking water regulatory determinations if necessary information and data become available."

The news release contains wording that makes it clear the EPA under Trump took a slow, methodical approach to curtail PFAS pollution.

Among many other statements, the release says the agency "is seeking comment about whether it should take any additional regulatory steps to address PFAS contamination in the environment." That includes whether to declare certain types of PFAS as hazardous substances under Superfund laws.

The Biden administration has already indicated that it will seek to classify PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, and to take additional actions under the federal Safe Drinking Water Act.

Biden has nominated Michael Regan, secretary of North Carolina's Department of Environmental Quality, to head the EPA.

At a recent confirmation hearing, Regan vowed to make PFAS a priority.

"I can commit to you that on Day One that this is and will be a priority for this administration to set limits on how much of this chemical compound is entering into our air and our water," Regan said.

Regan's final confirmation has not yet come up for a vote.

Moneymakers
Linda Birnbaum, former head of the National Institute of Environmental Health Sciences, thinks the EPA under Trump prolonged [...]
---

**100+ groups urge ban on pesticide tied to brain damage**
Marc Heller, Greenwire
https://www.eenews.net/greenwire/stories/1063726897

More than 100 organizations urged the Biden administration to ban the pesticide chlorpyrifos, picking up on actions proposed by the Obama administration and dropped after President Trump took office.

The environmental group Earthjustice and others told EPA in a letter that chlorpyrifos, a widely used insecticide, can't safely be used, given its risk of neurological damage in children and others exposed to it.

"Peer-reviewed studies and EPA's own Scientific Advisory Panel have demonstrated that chlorpyrifos damages children's brains," the groups wrote in comments submitted on the agency's December interim decision to keep the farm chemical in use. "Prenatal exposure to very low levels of chlorpyrifos — levels far lower than what EPA used to set regulatory limits — harms babies permanently."

The proposal in December, which included new label restrictions but didn't make any sweeping changes in chlorpyrifos' registration, was the Trump administration's last action on the chemical (E&E News PM, Dec. 4, 2020). One of the Trump administration's earliest moves after taking office in 2017 was to reverse the Obama administration's efforts to ban chlorpyrifos, agreeing with industry positions that it's a critical pest control tool (Greenwire, March 30, 2017).

In comments on EPA's interim decision, agriculture groups again pointed to the pesticide's usefulness and downplayed human health risks, saying prior findings were too focused on "flawed" epidemiological studies.

Earthjustice, joined by groups such as Mighty Earth and the League of Conservation Voters, noted earlier findings by EPA of drinking water contamination and risks from chlorpyrifos residue on food, which led to the agency's proposal to ban it in 2015.

"Under the law, EPA must find reasonable certainty of no harm to children from pesticides," the groups said. "It cannot make this finding for any use of chlorpyrifos on food. The only outcome that protects our children and complies with the law is to revoke all food tolerances and end all food uses as soon as possible."

The Biden administration included the chlorpyrifos regulations among many it's planning to review under an executive order the president signed on his first day in office. Earthjustice asked the administration to revoke the Trump EPA's 2019 final order denying a petition to ban chlorpyrifos, and to start the formal process for canceling all its uses.

Chlorpyrifos faces other troubles. The biggest manufacturer, Corteva Agriscience, ended production last year, and California, New York and other states have instituted their own prohibitions.

But farm groups urged EPA not to backtrack on its support for the chemical.

The American Crystal Sugar Co., a cooperative representing sugar beet growers, said chlorpyrifos is necessary for fighting sugar beet root maggots. Farmers can lose $300 per acre from root maggots alone, said the cooperative's general agronomist, Joe Hastings, in a comment letter to EPA.

"We are good stewards in the use of chlorpyrifos and we will continue to promote these good stewardship practices of only using chlorpyrifos at the right times and places where it is needed," Hastings said.

Washington Friends of Farms and Forests, based in Olympia, Wash., warned against a prohibition.

"Failing to renew the chlorpyrifos registration jeopardizes the production of many fruits and vegetables that has the potential to increase prices and adversely affect human nutrition," said Heather Hansen, the group's executive director, representing specialty crop growers and pesticide applicators.

"We are concerned that EPA's choice to use epidemiological data from flawed studies has resulted in a regulatory end point that is not based on sound science," Hansen said in a form letter submitted by multiple organizations.

Although chlorpyrifos continues to fall out of favor in places, it's still more acceptable to U.S. agricultural trading partners than some newer treatments, Hansen said. And crops [...]
---

**Cotton growers optimistic about working with new administration**
NA, Independent Messenger
https://www.emporiaindependentmessenger.com/news/article_3986b6e2-7de1-11eb-84f3-5b65c9f14130.html

Virginia cotton growers are optimistic that they can work with members of the Biden administration.

Reece Langley, president and CEO of the National Cotton Council of America, told participants in a virtual Virginia Cotton Growers Association meeting in February that many new Senate and House members hail from Cotton Belt states.

Sen. John Boozman, R-Ark., is the ranking member of the U.S. Senate Committee on Agriculture, Nutrition & Forestry, and was a key player in getting cotton added to the safety net portion of the farm bill, Langley said. “He’s been a real champion of ours.”

Also in the favor of cotton growers in Virginia and across the U.S. is that the chairman of the House Committee on Agriculture, Rep. David Scott, D-Ga., “is a strong friend of the cotton industry.” And the House committee’s ranking member, Rep. Glenn Thompson, R-Pa., has spent time visiting cotton farms and “taken an interest in learning about” cotton farming, Langley shared. “I think we can work closely with both of them.”

Foremost on both the Senate and House agriculture committees’ agendas are climate policies, racial equity and the farm bill. The Senate committee is considering the Climate Solutions Act, which establishes renewable energy standards and greenhouse gas emission reduction targets.

Another top priority for the House agriculture committee is an agricultural disaster fund the U.S. Department of Agriculture could tap into when a natural disaster causes crop losses. Currently, there is sometimes a delay of a year or more between when losses happen and farmers are able to get help from USDA.

“This fund would provide assistance in a much more timely manner,” Langley said.

Cotton farmers also are pleased with the recent confirmation of Tom Vilsack as secretary of agriculture. “He has a history of working with the cotton industry, and he appreciates mainstream, production agriculture,” Langley noted.

The current policy focus of the USDA is on climate policies, which include incentive programs to pay farmers for voluntary, climate-smart practices, he explained.

“Virginia farmers are always in favor of voluntary practices that are beneficial to the environment,” said Wilmer

Stoneman, vice president of agriculture, development and innovation for Virginia Farm Bureau Federation. "We are hopeful that the new administration will continue supporting regulations that are not harmful to farmers."

Langley said the news out of Washington is not all positive for cotton farmers, however. Under the Environmental Protection Agency, the Waters of the U.S. rule that the former administration had rolled back to "navigable water protection that's more farmer-friendly" is under review.

The EPA also is considering pesticides that are up for re-registration. "A number of them are key for cotton production," Langley shared. And air quality and the Endangered Species Act are two issues "we'll have real challenges with."
---

**EPA releases data on PFAS contamination in shipping containers**
NA, Inside TSCA
https://insideepa.com/tsca-takes/epa-releases-data-pfas-contamination-shipping-containers

EPA has released preliminary results from its investigation of a widely-used pesticide found to contain per- and polyfluoroalkyl substances (PFAS), announcing that it has confirmed the presence of eight different PFAS in containers used to store the product and that it plans to subpoena a manufacturer for more data on their origin.

The contamination originated from high-density polyethylene (HDPE) containers that were fluorinated and used to store and transfer the pesticide. EPA in its March 5 announcement says it first identified the containers as a possible source of PFAS contamination in December.

Upon further study, EPA writes, it can confirm "that it has detected eight different PFAS from the fluorinated HDPE containers, with levels ranging from 20-50 parts per billion."

In January, EPA announced that it had confirmed that the containers used to transport the mosquito-killing pesticide Anvil 10+10 were contaminating their contents with PFAS, and that it would subpoena the unnamed company "that fluorinates the containers used by certain pesticide manufacturers" to gather more detail on the process used to produce them.

Environmentalists seized on that move to bolster their long-standing call for more stringent regulation of all PFAS, saying it showed the agency's policies are too weak to prevent "inadvertent" contamination.

For instance, Kyla Bennett, the New England Director of whistleblower environmental group Public Employees for Environmental Responsibility (PEER), who led the study the group says first detected PFAS in Anvil 10+10, said that the subpoena is something the agency should have done "years ago," and called the threat of PFAS contamination from unknown sources "frightening."

"One of the things PEER is going to be asking EPA to do is to figure out, not just to regulate these as a class, but to figure out a better way to test for them," Bennett told Inside TSCA. "Because right now, we only have total organic fluorine, and it's very difficult and very expensive, and not necessarily determinative of PFAS, just indicative."

The agency now says testing shows "PFAS were most likely formed from a chemical reaction during the container fluorination process which then leached into the pesticide product."

"While EPA is early in its investigation, the agency will use all available regulatory and non-regulatory tools to determine the scope of this emerging issue and its potential impact on human health and the environment," EPA wrote in a March 5 press release.

The release added, "Although these types of products should not be a source of PFAS, the data indicates that the amount of PFAS that has entered the environment from the contamination in the containers the agency tested is

extremely small."

EPA says it has asked states to discontinue use of Anvil 10+10 and hold onto their inventories until for further testing, plans to test "different brands of fluorinated containers to determine whether they contain and/or leach PFAS," and is encouraging the pesticide industry to explore alternative packaging options, "like steel drums or non-fluorinated HDPE."
---

**States Can't Extend Dicamba Spray Dates**
Emily Unglesbee, Progressive Farmer
https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/03/08/epa-blocks-dicamba-spray-date-states

EPA has moved to block state attempts to extend the dicamba cutoffs listed on the federal labels of XtendiMax, Engenia and Tavium in 2021.

The news came to light at a meeting of pesticide regulators taking place virtually this week, the annual conference of the Association of American Pesticide Control Officials (AAPCO).

EPA said it intends to deny an attempt by North Carolina to extend the cutoff dates for dicamba to accommodate late-planted cotton and soybean fields. The state was working to move the federal cutoff of June 20 for soybeans and July 30 for cotton out to July 31 for both crops.

Several states are trying to institute similar dicamba spray extensions via Section 24(c) special local needs labels, which allow states to add additional uses to federal pesticide labels. EPA's denial of the North Carolina extension has come as a surprise to many state regulators, outgoing AAPCO President Leo Reed noted. Although EPA recently cracked down on more restrictive 24(c) labels, the agency still allows more permissive ones. (See more here: .)

At issue, however, is legal liability for the agency, explained Michal Freedhoff, acting assistant administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP).

The agency re-registered the three dicamba herbicides in 2020, after a federal court vacated the EPA's 2018 dicamba registrations, she told attendees. The court told EPA it failed to properly assess the risks of in-season dicamba use in 2018, and the 2020 labels are the agency's attempt to fix that, Freedhoff said. The agency is already facing multiple lawsuits over those new labels. (See more here: .)

Permitting state 24(c) labels that were more permissive than these new 2020 labels could open the agency up to even more legal challenges, Freedhoff concluded.

"I could imagine a scenario where a court would say, 'You've told us the 2020 label measures are sufficient, and yet you told a bunch of states that they don't have to use them anymore,'" she said. "And that, I think, could have ended up with a bad outcome for everybody, not just one state."

This stance has frustrated state regulators, particularly those who did not record many off-target dicamba injury complaints in 2020 or past years, said North Carolina Farm Bureau president Shawn Harding, who also addressed the meeting's attendees.

"[EPA] told us [in a letter] that they understood that farmers needed that [cutoff extension] because of late planting of soybeans or cotton, but they still decided not to do that," he said. "That was a little frustrating for me. The letter was basically saying, 'We see where this could help farmers, but we're not going to do it.'"

DTN obtained a copy of the letter from EPA to North Carolina, stating the agency's "intent to disapprove" the state's proposed 24(c) labels with an extended dicamba cutoff of July 31 for soybeans and cotton. In the letter, EPA's current acting administrator, Jane Nishida, wrote that past evidence of late-season off-target dicamba injury has convinced the

agency that its federal cutoff dates must stand for this season.

"There is ample record evidence that off-field emissions and incidents tied to dicamba use have been associated with late-season applications," Nishida wrote in the letter. "Therefore, the EPA has concluded that the use schedule and cutoff dates established under the federal labels which permit OTT treatments are necessary to maintain the no unreasonable adverse effects determination which supports these registrations."

Nor is the agency impressed with state-specific data on low dicamba complaints.

"The specific information in the [special local needs label] that applicators using over-the-top dicamba on dicamba-tolerant soybeans in North Carolina have self-reported fewer incidents of off-target movement in recent years falls short of demonstrating that extension of the required cutoff dates will not result in unreasonable adverse effects," Nishida wrote.

However, [...]
---

**EPA investigates toxic 'forever chemicals' in pesticides**
RACHEL FRAZIN, The Hill
https://thehill.com/policy/energy-environment/542199-epa-investigates-toxic-forever-chemicals-in-pesticides

The Environmental Protection Agency (EPA) is investigating the presence of toxic chemicals in pesticides, which may be coming from their plastic containers, it said on Friday.

The agency said in a statement that its testing showed that the chemicals, belonging to a family of substances called PFAS, were “most likely formed” by a reaction while fluorine was being put into the containers, and then “leached into the pesticide product.”

The agency said it was still early in its investigation, and that it will use “all available regulatory and non-regulatory tools to determine the scope of this emerging issue.”

The EPA said that it is “actively working” with the Food and Drug Administration, the U.S. Department of Agriculture, and industry and trade organizations to “raise awareness” of the issue.

“The Biden-Harris Administration’s focus on developing and using the best available science will guide our decision-making, strengthen our work with stakeholders, and lead to pragmatic solutions that advance our efforts to address PFAS contamination and protect human health,” said acting assistant administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff in a statement.

PFAS refers to a class of chemicals that have been linked to cancer and other health issues. They have been found in a variety of household products, as well as water, and are sometimes called “forever chemicals” because of their persistence in nature and the human body.

The statement comes after testing conducted by the environmental group Public Employees for Environmental Responsibility (PEER) last year which found the presence of PFAS in mosquito-killer Anvil 10+10.

The EPA said that it found PFAS in fluorinated containers that a mosquito control product was packaged and sold, and a spokesperson for the agency confirmed that the product in question was Anvil 10+10.

Anvil’s manufacturer, Clarke Mosquito Control Products Inc., noted in a statement that there’s no PFAS in the product itself, but that its packaging may be the source of the contamination.

It has "voluntarily ceased all sales and shipments to customers of Anvil 10+10 packaged in plastic containers and is directing its customers to not use Anvil 10+10 packaged in plastic containers" and will transition to PFAS-free packaging.
---

**Washington State to Ban PFAS in Four Types of Food Packaging**
Packaging Law at Keller and Heckman, The National Law Review
https://www.natlawreview.com/article/washington-state-to-ban-pfas-four-types-food-packaging

Washington state has announced that, based on the availability of safer alternatives, per- and polyfluoroalkyl substances (PFAS) in four types of food packaging will be banned as of February 2023. By way of background, the state's Toxics in Packaging Law was amended in 2018 to include a ban on PFAS in food packaging that would become effective in January 2022 if safer alternatives were identified by January 2020. If safer alternatives were not identified by January 2020, then the ban will take effect two years after safer alternative products are identified and reported to the legislature (RCW 70A.222.070).

The legislation defines "Food packaging" as "a package or packaging component that is intended for direct food contact and are comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers." (See RCW 70A.222.010.) PFAS are defined as having at least one fully fluorinated carbon atom.

The Washington Department of Ecology (DoE) released its first Alternatives Assessment Report for PFAS in food packaging last month. DoE evaluated ten food packaging applications to determine if safer alternatives to PFAS existed. Chemical hazards, exposure, performance, cost, and availability of alternative materials were considered. The department determined that PFAS alternatives (shown in parentheses) are available for the following four packaging applications:

Wraps and Liners (wax-coated options)

Plates (clay-coated and reusable options)

Food boats (clay-coated and reusable options)

Pizza boxes (uncoated options)

However, the report to the legislature explains that there was insufficient information available to find safer alternatives for PFSA in the other six products (shown below):

Bags and sleeves

Bowls

Trays

French fry cartons

Clamshells

Interlocking folded containers

DoE will continue with the AA process for these six products, as well as other potential products.
---

**EPA testing shows mosquito control containers source of PFAS**
Adam Redling, Waste Today
https://www.wastetodaymagazine.com/article/epa-pfas-mosquito-control-fluorinated-hdpe/

The U.S. Environmental Protection Agency (EPA) has made new data available related to per- and polyfluoroalkyl (PFAS) compounds found in fluorinated containers in which a mosquito control product was packaged and sold. EPA is also announcing its planned next steps to further characterize and address this potential source of contamination.

While the EPA isn't naming the product or manufacturer directly, The Boston Globe previously reported the pesticide is known as Anvil 10+10, which is manufactured by Illinois-based Clarke. According to the Globe, the pesticide first began being tested by the Department of Environmental Protection last fall after a Washington advocacy group reported the product contained PFAS.

Since first becoming aware of the PFAS contamination issue in September 2020, EPA says it has been working to investigate the source of the contamination. In December 2020, EPA studied the fluorinated HDPE containers used to store and transport the product and preliminarily determined the fluorination process used may be the source of PFAS contamination.

In January, EPA continued its testing that showed that PFAS compounds were most likely formed from a chemical reaction during the container fluorination process, which then leached into the pesticide product. According to the EPA, after completing a quality assurance and quality control process, it can confirm that it has detected eight different PFAS from the fluorinated HDPE containers, with levels ranging from 20-50 parts per billion.

While EPA is early in its investigation, the agency says it will use all available regulatory and non-regulatory tools to determine the scope of this emerging issue and its potential impact on human health and the environment.

"It is important to note that although these types of products should not be a source of PFAS, the data indicates that the amount of PFAS that has entered the environment from the contamination in the containers the agency tested is extremely small," the EPA noted in a release. "The agency is also committed to coordinating with the affected entities involved and their supply and distribution chains; pesticide users; the pesticide and packaging industry; and its federal, state and tribal partners as it works through this complex health and environmental issue."

Building on the agency's initial actions announced in January, EPA initiated a series of steps to tackle this issue including:

On Jan. 13, to minimize risks to human health and the environment, EPA asked states with existing stock of the mosquito product distributed in fluorinated HDPE containers to discontinue use and hold that inventory until its final disposition is determined. The pesticide manufacturer has also notified all its customers regarding management of the product, voluntarily stopped shipments of all products in fluorinated HDPE containers, and is now using non-fluorinated containers.

On Jan. 14, EPA issued a TSCA subpoena to the company that fluorinated the containers supplied to the manufacturer of the pesticide in which PFAS was discovered to learn more about the fluorination process used on the HDPE containers.

EPA is aware that many companies are using fluorinated HDPE containers to store and distribute pesticide and other products. EPA is actively working with the Food and Drug Administration, the U.S. Department of Agriculture, and industry and trade organizations to raise awareness of this emerging issue and discuss expectations of product stewardship. For example, EPA is coordinating with the Ag Container Recycling Council, the American Chemistry Council, Crop Life America, the Household & Commercial Products Association, and the National Pest Management Association.

The agency is also testing different brands of fluorinated containers to determine whether they contain and/or leach PFAS, and if so, learn the conditions affecting leaching. EPA will present these findings as expeditiously as possible. [...]

---

**Want to Sanitize a Baseball Stadium? Send in the Drones**
James Wagner, The New York Times
https://www.nytimes.com/2021/02/26/sports/baseball/don-wakamatsu-drone-coronavirus.html

On Wednesday morning, four days before spring training games began and fans returned across Major League Baseball, a six-foot-wide drone flew throughout a 10,500-seat stadium in Surprise, Ariz., the preseason home of the Kansas City Royals and the Texas Rangers. The drone sprayed a cleaning solution that, according to its manufacturer, will protect surfaces from germs, including the coronavirus, for more than 30 days.

The spraying took 90 minutes with a drone named Paul.

The person behind this sanitizing operation wasn't a health or stadium official. It was Don Wakamatsu, the Rangers' bench coach. How did a baseball lifer — someone who has worn many different major-league teams' uniforms as a player, coach and manager, and who won a World Series ring in 2015 with the Royals — end up directing a decidedly modern take on spring cleaning?

It started with a background in farming, an interest in technology and an idea of how to adopt aspects of both interests to the current predicament facing us all amid the pandemic. He already knew how to spray crops using drones, so the transition to sanitizing stadium surfaces and seats was not much of a stretch.

Although Wakamatsu, 58, grew up in Northern California, he often visited the 40-acre farm in Hood River, Ore., of his paternal grandparents, who had been held in internment camps for Japanese Americans in the 1940s. They grew cherries, apples and pears.

"I remember having to get up at 4 in the morning, go out there in the orchard and change the sprinkler," he said in a phone interview. "It was just a pain. But that's part of the sacrifice and growing up, and what you did on the farm."

Those memories stuck with him even as his baseball career eventually took him to the Chicago White Sox, where in 1991 he appeared in 18 games, his only playing time in the major leagues. After bouncing around the minor leagues with several organizations, he became a coach. In 2009 with the Seattle Mariners, he became the first manager of Asian descent in the major leagues. The Mariners went 127-147 in his nearly two seasons at the helm.

It wasn't until 2017, while serving as the Royals' bench coach, that Wakamatsu turned his passion for food into a foundation, WakWay, with a mission inspired by his family's cherry-growing waste. The nonprofit began saving fruits and vegetables and donating them to disadvantaged communities in Arizona and Texas.

But in the past few years, Wakamatsu has focused more on so-called precision agriculture and helping smaller farms survive. As a child, he said, he remembers breathing in pesticides sprayed over crops from biplanes.

With the explosion of drone technology, Wakamatsu said, it was only natural to use it in farming as a more environmentally friendly, efficient and safer way to study, spray and water crops. His foundation bought its first drone last year. It now has four, the biggest of which is capable of carrying two and a half gallons of liquid.

Over the winter, as M.L.B. and the players' union faced the prospect of staging a normal 162-game 2021 season with fans as the pandemic continued, Wakamatsu brainstormed ways to redirect his efforts to baseball. He said his foundation considered drone spraying at the Rangers' stadium in Arlington, Texas, last year, when spectators were admitted only during the final playoff rounds of the abbreviated season, but wasn't ready to do so.

"Can we make fans feel comfortable to come back?" he said. "We're tired of playing with no fans. It was only natural, with the relationships I had at that ballpark, to say, 'Let us come in and help.' I want to be safe."

It took months of discussions and a drone-spraying demonstration. Earlier this month, the city of Surprise agreed to a deal with Wakamatsu's foundation to spray the stadium. Whatever is made from the work, he said, will be reinvested in the foundation. He can fly the drones, but trained volunteers did so on Wednesday.

"I'd like to be the official drone spraying [...]
---

**Wonder Spray is Added to EPA's List N Disinfectants**
NA, Whole Foods Magazine
https://wholefoodsmagazine.com/news/main-news/wonder-spray-is-added-to-epas-list-n-disinfectants/

Wonder Spray has been added to the EPA's List N, which identifies disinfectants that are effective for use against SARS-CoV-2. Wonder Spray uses a stabilized form of Hypochlorous Acid (HOCI) and can be used to clean, sanitize and disinfect homes, businesses and public spaces.

"Wonder Spray's addition to the N List is another validation of potency and its effectiveness as a key tool in the reopening of schools, businesses, sports arenas, restaurants, and other institutions," says Dr. John Burd, CEO at Wonder Spray, in the press release. "This approval from the EPA is an important step in our mission to fight pathogens that impact global public health."

HOCL, also naturally produced by the human body's white blood cells, breaks down into ordinary saltwater in minutes, so no rinsing or waiting is needed, the company announced. The product does not contain bleach, alcohol, ammonia or other harmful contaminants, additives, or buffers.
---

**EPA Proposes Cancellation of Highly Toxic Wood Preservative Pentachlorophenol ("Penta")**
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/03/epa-proposes-cancellation-of-highly-toxic-wood-preservative-pentachlorophenol-penta/

Last week the Environmental Protection Agency (EPA) announced an interim decision to cancel of one of the most hazardous pesticides still used in the United States, pentachlorophenol (penta). Although long overdue, health advocates are hailing the agency's action, taken due to significant risks to human health, the availability of alternatives, and the uncertain future of penta production. Many advocates hope that EPA's announcement is the start of a pivot to science-based decision-making in the best interest of health and the environment, not the pockets of pesticide industry executives. Cancellation of this toxic chemical will bring the U.S. into conformance with the Stockholm Convention, an international treaty to ban persistent organic pollutants (POPs) joined by over 150 countries that was never ratified by the U.S.

"This has been a long time coming," said Jay Feldman, executive director of Beyond Pesticides. "After decades of scientific reports, lawsuits, regulatory comments, and an international ban, we're glad EPA finally acknowledged the intrinsic dangers posed by continuing penta's registration. We urge the agency expedite its slow cancellation timeline so that we can finally eliminate this unnecessary pollutant."

Produced for its ability to preserve wood through pressure treatment, penta has been used on utility poles and railroad ties since the 1930s, before U.S. pesticide law was written. In the 1950s it was registered for a range of pesticidal uses in addition to wood treatment, including as a fungicide, herbicide, insecticide, algaecide, disinfectant, and ingredient in antifouling paint. It's uses as a catch-all pesticide began to be restricted in the mid-1980s as EPA identified a range of acute and chronic risks from exposure, and significant contamination of penta products with hexachlorobenzene, furans, and polychlorinated dibenzo-p-dioxins, one of the most toxic substances known to humankind.

Although most uses of penta were eliminated in the 1980s, its application as a wood preservative remained. Beyond Pesticides sued EPA in the early 2000s over its prior inaction on penta, urging cancellation of all toxic wood preservatives on the market. The case received a preliminary injunction was but ultimately struck down by a federal District Court on administrative grounds.

While some assume that wood treatments are unlikely to pose a risk to the general public, as stationary poles can simply be avoided, that is not the case. As part of a previous risk assessment, EPA calculated a 2.2 in 10,000 cancer risk to children playing around treated poles – a rate 200x above the agency's cancer threshold. This calculation was removed from the agency's analysis after a pressure from the Penta Council, with its revision indicating that, "play activities with or around pole structures would not normally occur." Despite this claim, there's no doubt many U.S. residents to recall a time they played around a utility pole or railroad tie as a child.

While children remain at risk from penta exposure, the individuals who produce penta and apply it to utility poles are subject to the greatest harm. Yet over the years, EPA consistently attempted to avert risks through changes to its risk evaluation, rather than file cancellation proceedings. In its most recent 2008 penta review, the agency attempted to reduce occupational exposure by requiring additional personal protective equipment, changes to application procedures, and engineering controls. However, in making its final determination last week, EPA indicates these risks remain. The agency identified both long-term inhalation and dermal exposure risks, and calculated that workers had an astounding 1 in 1,000 risk of developing cancer from working in a penta plant.

"In weighing the benefits of pentachlorophenol versus the risks identified in the DRA (Draft Risk Assessment), EPA cannot make the finding that the benefits of pentachlorophenol outweigh the risks," the agency [...]
---

**California Proposes to Transition Away from Toxic Pesticides**
Allison Johnson, NRDC
https://www.nrdc.org/experts/allison-johnson/california-proposes-transition-away-toxic-pesticides

California's Governor broke new ground this year when he committed to "transition away from harmful pesticides." His budget proposal to update fees charged on pesticide sales would generate new funding that could be used to offer better protections for farm workers, agricultural communities, and vulnerable ecosystems, as well as help farmers adopt more sustainable practices.

Pesticide use remains at a near-record high. And yet, the state's pesticide fee structure has not changed since 2004. An update to California's approach to dangerous pesticides is overdue.

For too long, the environmental and health costs of toxic pesticide use have been borne by society at large – and especially low-income communities of color. For example, although California banned chlorpyrifos last year, numerous similar pesticides continue to threaten kids' brain development across the state, hitting farm workers and farming communities the hardest. Pesticides remain a widespread drinking water contaminant, particularly in rural areas, and exposure to these pesticides has been linked to increased vulnerability to COVID-19.

California's pesticide air monitoring network, which alerts the state to airborne pesticide pollution and potential health risks, shrank from eight sites to four in 2020. In addition, the state has no clear accountability mechanisms – or even community health measures – that follow from elevated pesticide levels in the air.

Pesticides also threaten our waterways and biodiversity, including the pollinators we rely on to grow a wide range of crops. California's pollinator-dependent crops are worth $11.7 billion. But widely used pesticides like neonicotinoids threaten to destabilize the pollinator-based farming economy and interfere with the numerous ecosystem services that pollinators provide. In addition, pesticide pollution in water, including from pyrethroids and organophosphates, leads to declines in the aquatic food web.

Unfortunately, many farmers feel stuck on a costly and dangerous "pesticide treadmill," where the purported solution to one pest problem creates imbalances that lead to another. While California farmers have successfully converted over 2.5 million acres to organic farming, stepping away from that treadmill for the first time is challenging, and programs like the Biologically Integrated Farming Systems Program (BIFS) that offer technical assistance to farmers interested in organic and other safer farming practices remain chronically underfunded. Instead, farmers must often rely on the guidance of Pest Control Advisors, who may work for agricultural chemical companies and earn commission from pesticide sales.

Governor Newsom's proposal to update and tier pesticide fees, based on acute toxicity, is a welcome step in a new direction. The proposal would direct funds to enforcement, staffing for community engagement, and integrated pesticide management (IPM), including BIFS and a new IPM collaboration with public universities that would expand resources available for farmers.

As climate change compounds the burdens already carried by our farming communities, California's approach to pest management must prioritize the urgent issues facing our most vulnerable people and ecosystems, and must engage farmers and farm workers as partners in the transition. To that end, NRDC and our partners are urging the Administration and Legislature to improve the Governor's proposal by directing funding to four key areas:

Pesticide Relief Fund
Establish a Pesticide Relief Fund for agricultural communities negatively impacted by pesticide use. The Fund could be used to establish community green spaces and protective buffer zones, and to provide PPE, indoor air filters, and other immediate protections. Funds should be directed through a process by which residents in the areas of the state at greatest risk of pesticide exposure have power to decide and prioritize protections, based on their local pesticide and air quality [...]
---

++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++
For more news, visit:

- Inside EPA: https://insideepa.com/
- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

*If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!*

*And while you're reading.... Remember to shoot your coworkers a shooting star!*